



City of Seattle
Seattle Public Utilities

April 22, 2016

Becca Conklin
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Seattle Public Utilities (SPU) Comments for Water Quality Standards for Protecting Human Health (Fish consumption rates)

Thank you for the opportunity to provide comments on the proposed revisions to Washington's Surface Water Quality Standards: Human Health Criteria and Implementation Tools (WAC 173-201A). SPU supports Ecology's efforts to develop protective water quality standards and provide regulatory tools to implement the standards.

Schedules of compliance also apply to general permits. Ecology's proposed rule states that schedules of compliance shall meet requirements in WAC 173-220-140, a rule which only applies to individual NPDES permits. For general permits, the proposed compliance schedule rule must refer to WAC 173-226-180. At WAC 173-201A-510(4)(d), after "WAC 173-220-140" please add ", or in WAC 173-226-180 for general permits," or language to the same effect. Reference: Pollution Control Hearing Board municipal stormwater Phase I and Phase II general permit ruling at <http://www.eluho.wa.gov/Global/RenderPDF?source=casedocument&id=327> (Findings of Fact, Conclusions of Law and Order – Condition S4, at CL 12, August 07, 2008, in PSA, et al. v. Ecology, PCHB Nos. 07-021, 07-026, 07-027, 07-028, 07-029, 0-030, 07-037 (Phase I), and PCHB Nos. 07-022, 07-023 (Phase II)). See also WAC 173-226-040.

WAC 173-201A-510 Means of implementation.

(4) General allowance for compliance schedules.

~~((e))~~ (d) Prior to establishing a schedule of compliance, the department shall require the discharger to evaluate the possibility of achieving water quality ~~((criteria))~~ standards via nonconstruction changes (e.g., facility operation, pollution prevention). Schedules of compliance ~~((may in no case exceed ten years, and))~~ shall meet requirements in WAC 173-220-140, or in WAC 173-226-180 for general permits, and shall require compliance with the specified requirements as soon as practicable. Compliance schedules shall generally not exceed the term of any permit unless the department determines that a longer time period is needed to come into compliance with the applicable water quality standards.

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Please feel free to contact Kate Rhoads, of my staff, if you have any questions regarding this letter. Kate can be reached at (206) 684-8298 or at kate.rhoads@seattle.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Madeline Fong Goddard".

Madeline Fong Goddard, PE
Deputy Director
Drainage & Wastewater Line of Business
Seattle Public Utilities

cc: Ben Marre, SPU
Kevin Buckley, SPU
Kate Rhoads, SPU
Susan Saffery, SPU
Judi Gladstone, SPU
Dave Schuchardt, SPU
Pete Rude, SPU
Theresa Wagner, Seattle City Attorney's Office